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TRANSMITTAL FORM

(to be used for all correspondence during pendency of filed application)

		Application Number	09/938,014
		Filing Date	August 24, 2001
		First Named Inventor	Mark H. Sandstrom
		Group Art Unit Number	2616
		Examiner Name	Michael J. Moore Jr.
Total Number of Pages in This Submission	7	Attorney Docket Number	23010-11153

ENCLOSURES (check all that apply)

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REMARKS:

SIGNATURE OF ATTORNEY OR AGENT

Signature:	
Attorney/Reg. No.:	Robert A. Hulse, Reg. No. 48,473
Dated:	Nov. 21, 2006

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.

Signature:	
Typed or Printed Name:	Robert A. Hulse
Dated:	Nov. 21, 2006
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FEET TRANSMITTAL for FY 2006 <small>Patent fees are subject to annual revision.</small>		<i>Complete if Known</i>	
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		Filing Date	August 24, 2001
		First Named Inventor	Mark H. Sandstrom
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TOTAL AMOUNT OF PAYMENT (\$) 180		Attorney Docket No.	23010-11153

METHOD OF PAYMENT (check all that apply)				FEE CALCULATION (continued)																																																																																																																																															
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input type="checkbox"/> Deposit Account: Deposit Account Number 19-2555 Deposit Account Name Fenwick & West LLP				3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>Fee Code (\$)</td><td>Fee Code (\$)</td><td>Fee (\$)</td><td></td></tr> <tr><td>1051</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath or declaration</td></tr> <tr><td>1052</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td></tr> <tr><td>1053</td><td>1053</td><td>130</td><td>Non-English specification</td></tr> <tr><td>1812</td><td>1812</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td></tr> <tr><td>1804</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td></tr> <tr><td>1805</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td></tr> <tr><td>1251</td><td>2251</td><td>120</td><td>Extension for reply within first month</td></tr> <tr><td>1252</td><td>2252</td><td>450</td><td>Extension for reply within second month</td></tr> <tr><td>1253</td><td>2253</td><td>1020</td><td>Extension for reply within third month</td></tr> <tr><td>1254</td><td>2254</td><td>1,590</td><td>Extension for reply within fourth month</td></tr> <tr><td>1255</td><td>2255</td><td>2,160</td><td>Extension for reply within fifth month</td></tr> <tr><td>1401</td><td>2401</td><td>500</td><td>Notice of Appeal</td></tr> <tr><td>1402</td><td>2402</td><td>500</td><td>Filing a brief in support of an appeal</td></tr> <tr><td>1403</td><td>2403</td><td>1,000</td><td>Request for oral hearing</td></tr> <tr><td>1451</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td></tr> <tr><td>1452</td><td>2452</td><td>500</td><td>Petition to revive - unavoidable</td></tr> <tr><td>1453</td><td>2453</td><td>1,500</td><td>Petition to revive - unintentional</td></tr> <tr><td>1501</td><td>2501</td><td>1,400</td><td>Utility issue fee (or reissue)</td></tr> <tr><td>1502</td><td>2502</td><td>800</td><td>Design issue fee</td></tr> <tr><td>1503</td><td>2503</td><td>1100</td><td>Plant issue fee</td></tr> <tr><td>1460</td><td>1460</td><td>—</td><td>Petitions to the Director</td></tr> <tr><td>1807</td><td>1807</td><td>50</td><td>Processing fee for Provisional Applications</td></tr> <tr><td>1806</td><td>1806</td><td>180</td><td>Submission of Information Disclosure Stmt</td></tr> <tr><td>8021</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td></tr> <tr><td>1809</td><td>2809</td><td>790</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td></tr> <tr><td>1810</td><td>2810</td><td>790</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td></tr> <tr><td>1801</td><td>2801</td><td>790</td><td>Request for Continued Examination (RCE)</td></tr> <tr><td>1802</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td></tr> <tr><td colspan="4">Other fee (specify) _____</td></tr> <tr> <td colspan="4"> SUBTOTAL (1) (\$) 0 </td> <td colspan="4"> SUBTOTAL (3) (\$) 180 </td> </tr> <tr> <td colspan="8"> <small>*or number previously paid, if greater; 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SUBMITTED BY				Complete (if applicable)	
Name (Print/Type)	Robert A. Hulse	Registration No. (Attorney/Agent)	48,473	Telephone (415) 875-2444	
Signature				Date	Nov. 21, 2006



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Mark H. Sandstrom
APPLICATION NO.: 09/938,014
FILING DATE: August 24, 2001
TITLE: System and Method for Maximizing the Traffic Delivery Capacity of Packet Transport Networks Via Real-Time Traffic Pattern Based Optimization of Transport Capacity Allocation
EXAMINER: Michael J. Moore Jr.
GROUP ART UNIT: 2616
ATTY. DKT. NO.: 23010-11153

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below:

Dated: Nov. 21, 2006

By: Robert A. Hulse
Robert A. Hulse, Reg. No.: 48,473

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT Under 37 CFR §§ 1.56 and 1.97-98

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO/SB/08A listing references for consideration by the Examiner.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

This Information Disclosure Statement is being filed:

- within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first office action on the merits, whichever event last occurred;
- before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;

- after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either: (1) a final action under 37 CFR §1.113; or (2) an action that otherwise closes prosecution in the application, and:
 - attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
 - Applicant certifies pursuant to 37 CFR § 1.97(e) that:
 - each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
 - no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement;
- on or before the payment of the issue fee but after the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; (2) a notice of allowance under 37 CFR § 1.311; or (3) an action that otherwise closes prosecution in the application, and:
 - Applicant certifies pursuant to 37 CFR. § 1.97(e) that:
 - each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement;
 - no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this

certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; AND

- attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(d); OR
- after the payment of the issue fee. Applicant requests that the information contained in this Information Disclosure Statement be placed in the file according to 37 CFR § 1.97(i), although the information may not be considered by the USPTO.
- Enclosed is a copy of each listed reference that may be material to the examination of this application, and for which there may be a duty to disclose.
- This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application No. _____, filed on _____, and the references cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).
- Copies of any foreign patent documents and non-patent literature cited herein are enclosed.
- Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 CFR § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. 37 CFR § 1.704(d).
- Applicant submits that no fee is required for the consideration of this Information Disclosure Statement.

Consideration of the listed references and favorable action are solicited.

Respectfully submitted,
MARK H. SANDSTROM

Dated: Nov. 21, 2006

By: Robert A. Hulse
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Mountain View, CA 94041
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT			Complete if Known	
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1	of	1	Attorney Docket Number	
23010-11153				

U.S. PATENT DOCUMENTS				
Examiner Initials*	Cite No. ¹	Document No.	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	A1	US-6,813,277	11-02-2004	Edmon et al.
	A2	US-6,697,373	02-24-2004	Sandstrom
	A3	US-6,108,306	08-22-2000	Kalkunte et al.
	A4	US-4,587,651	05-06-1986	Nelson et al.

FOREIGN PATENT DOCUMENTS				
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ – Number ⁴ Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
				T ⁶

OTHER REFERENCES – NON-PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ⁶

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.

Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.